(36)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4527 of 2007

PETITIONER Shri P.L.Chandrakar, s/o Shri Arjunlal Chandrakar, aged about 60 years, working as Assistant Engineer/Sub-Divisional Officer, Posted at Bhatapara Canal Construction Sub-Division-1 at Aarang, District-Raipur(Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through- The Secretary, Water Resources Department, DKS Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Engineer-in-Chief, Department of Water Resources, Raipur Chhattisgarh
3. Executive Engineer MRP Phase-2 Works Division Raipur, Chhattisgarh
4. Mr. V.K. Tamrakar Assistant Engineer, O/o Chief Engineer, Mahanadi Pariyojana, Raipur (Chhattisgarh)

Appearance:

Shri Sanjay K. Agrawal, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(06.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of both the parties.

The petitioner, who is working as a Sub-Divisional Officer at Aarang, district-Raipur(CG), has challenged the validity of transfer order dated 6th July, 2007(Annexure P-2), whereby, he has been transferred from Aarang to the office of Chief Engineer, Mahanadi Project, Raipur.

Referring to the pleadings, made on affidavit, learned counsel for petitioner argues that the petitioner is to retire on 29th February, 2008 on account of completion of his services and he would be facing much hardship, if he is transferred from Aarang to Raipur, just about 8 months prior to the date of his superannuation. He also refers to clause 7 of the transfer policy dated 13th June, 2007, according to which, the cases of the persons, who are at the verge of retirement, are to be considered under the said clause. His submission is that the aforesaid order is in violation of the transfer policy of the government.

After hearing the arguments advanced by learned counsel for the respective parties and after going through the contents of the petition as well as the documents annexed with the petition and the contents of the transfer policy vide clause 7, in the opinion of this Court, the ends of justice would be served if the petitioner is directed to file a representation before the concerned authority, invoking the provisions of clause 7 and other clauses, which are available to the petitioner framed in the transfer policy dated 13th June, 2007.

Accordingly, the petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of three weeks from today along with the copy of this order and a copy of writ petition, raising his grievance, and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of two months from the date of receipt of the said representation. It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting (Aarang) and shall be allowed to continue there.

The petition stands disoposed of.

Sd/-
Sunil Kumar Sinha
Judge